

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1152 - SB 1088

March 30, 2017

SUMMARY OF BILL: For criminal cases in which restitution is ordered against an offender, requires the victim of the offense to receive one-half of every payment made by the offender regardless of the amount of court costs, litigation taxes, fees, fines, or other amounts owed by the offender to the state or county.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – The proposed legislation will result in some state and local tax and fee revenue being deferred and some state and local tax and fee revenue becoming uncollectable. The extent and timing of such impacts cannot be determined for such impacts are dependent on multiple unknown factors.

Assumptions:

- Tennessee Code Annotated § 67-4-602 levies a privilege tax of \$29.50 on all criminal charges instituted in Tennessee.
- Tennessee Code Annotated § 16-15-5006 authorizes counties to impose a local litigation tax on each criminal conviction in general sessions court.
- Tennessee Code Annotated § 67-4-603 requires the state litigation tax imposed by Tenn. Code Ann. § 67-4-602 be paid from the first moneys collected in each criminal case.
- The proposed legislation prioritizes restitution payments to the same level as the state litigation tax, county litigation taxes, court costs, fees, and criminal fines by requiring one-half of every payment made by an offender go toward payment of the victim's restitution.
- The proposed legislation will defer the collection of some taxes, fees, costs, and fines and will render some taxes, fees, costs, and fines uncollectable.
- The proposed legislation will impact state and local revenue resulting from litigation taxes, court costs, fees, and criminal fines.
- However, various unknown factors—e.g., the number of cases each year in which restitution is ordered, the average amount of restitution ordered, the average amount of taxes and fees collected each year, the average time required for an offender to pay taxes and fees, etc.—make extent and timing of any such impacts difficult to determine with any specificity.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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